

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

NOLAN CRAIG MARTIN,

Plaintiff,

v.

WARDEN ADAMS, WARDEN
CHAMBERS, MR. TOOLE, MR. MCRAE,
and OFFICER SHOEMAKER,

Defendants.

CIVIL ACTION NO.: 6:23-cv-24

ORDER

The Court ordered service of Plaintiff's Amended Complaint against all five Defendants on July 19, 2023. Doc. 14. All five Defendants executed waivers of service, and their responses to Plaintiff's Amended Complaint were due no later than September 29, 2023, or 60 days after the waivers were executed. Docs. 14, 17–19, 25, 29. Counsel for Defendants Toole, Chambers, Shoemaker, and McRae filed Responses under 42 U.S.C. § 1997e(g). Docs. 30, 32. Defendant Adams has not responded at all.

The Court ordered service of Plaintiff's Amended Complaint after conducting the requisite frivolity review and determining Plaintiff's Amended Complaint survives frivolity review. Doc. 14. By concluding Plaintiff's Amended Complaint survived frivolity review, I also determined Plaintiff's claims against Defendants are plausible under 28 U.S.C. § 1915A. While the Court's Order directing service does not expressly state a defendant is to file a responsive pleading and the applicable standard for frivolity determination is not the same as that under

§ 1997e(g), the undersigned expects defendants who waive service will file an Answer or other responsive pleading within 60 days of execution of the waivers. See Ord., Walker v. Bryson, 6:15-cv-57 (S.D. Ga. Aug. 2, 2016), ECF No. 39 (noting service of a complaint indicates the Court finds the plaintiff's allegations to be plausible at the initial stage and requires defendants to file a responsive pleading within 60 days of formal waiver of service). Therefore, Defendants are **ORDERED** to file responsive pleadings to Plaintiff's Amended Complaint (namely, an answer or motion to dismiss) within 14 days of this Order. Additionally, the Court **DIRECTS** the Clerk of Court to send a copy of this Order to Defendant Adams at the address he provided, doc. 29, as an attorney has not entered an appearance on Defendant Adams's behalf.

SO ORDERED, this 29th day of November, 2023.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', is written over a horizontal line.

BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA